



SPOKANE COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

RECEIVED
For Ecology Use Only
Received: JAN 30 2013
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: Whitworth Water Dist. #2

Application Number SPOK-11-18

This record of decision was made by a majority of the board at an open public meeting of the Spokane County Water Conservancy Board held on January 28, 2013. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The Spokane County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on January 28, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

Doug Rider, Chair
Spokane County Water Conservancy Board

Date: 1-28-13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Craig Schwyn, Secretary
Spokane County Water Conservancy Board

Date: 1/28/2013
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Stan Schultz, Vice Chair
Spokane County Water Conservancy Board

Date: 1/28/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

George Schlender, Board Member
Spokane County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Bryan St. Clair, Board Member
Spokane County Water Conservancy Board

Date: 1/28/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on January 29, 2013.

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Spokane County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

☐

Surface Water

☒

Ground Water

DATE APPLICATION RECEIVED
August 22, 2011

WATER RIGHT DOCUMENT NUMBER (i.e., claim,
permit, certificate, etc.) G3-26227C

WATER RIGHT PRIORITY DATE
April 26, 1979

BOARD-ASSIGNED CHANGE APPLICATION NUMBER
SPOK-11-18

NAME
Whitworth Water District #2

ADDRESS (STREET)
10828 N. Waikiki

(CITY)
Spokane

(STATE)
WA

(ZIP CODE)
99218

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of version/withdrawal
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 250	MAXIMUM ACRE-FT/YR 400	TYPE OF USE, PERIOD OF USE Community domestic supply				
SOURCE 1 Well			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 37342.0113	¼ SE	¼ NW	SECTION 34	TOWNSHIP N. 27	RANGE 43	WRIA 55	COUNTY. Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED Meadow View Addition (Preliminary Plat) located within the SE1/4NW1/4 of Sec. 32 and area served by the Colbert Water District No. 9							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 250	MAXIMUM ACRE-FT/YR 400	TYPE OF USE, PERIOD OF USE Continuously for Municipal Supply				
SOURCE 1 Well # 8C 15204 N. Columbus Tag # AGC-037			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 37325.9078	¼ NE	¼ SE	SECTION 32	TOWNSHIP N. 27	RANGE 43	WRIA 55	COUNTY. Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	250	400	Continuously for Municipal Supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
1 Well 15204 N. Columbus Well Tag # AGC-037							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
37325.9078	NE	SE	32	27	43	55	Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF EXISTING POINTS OF WITHDRAWAL

1055 feet north and 170 feet west from the center of Sec. 34. [Coordinates 47 47.876N 117 21.522W]
The well was de-commissioned in 1993]

DESCRIPTION OF PROPOSED WORKS

Well #8C: NE1/4SE1/4 Sec.32, T. 27N., R. 43 E.W.M. Parcel # 37325.9078 Well Tag # AGC-037
Located at 15010 N. Columbus Rd. . [47 47.674N, 117 23.549W]

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Begun	Completed	January 1, 2015

REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On August 22, 2011 The Whitworth Water District No. 2 filed an application to change the point of withdrawal, change the place of use and change the purpose of use under Ground Water Certificate G3-26227C. The application was accepted at an open public meeting on August 22, 2011, and the board assigned application number SPOK-11-18. The application for change proposes to change the point of withdrawal from the Mountain View well located in the SE1/4NW1/4 of Sec. 34, T. 26N., R. 27 E.W.M. to the NE1/4SE1/4 of Sec. 32, T. 27N., R. 43 E.W.M.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Colbert Water District No. 9
Water right document number: G3-26227C
As modified by certificate of change number:
Priority date, first use: April 26, 1979
Water quantities: Qj: 250 GPM Qa: 400 acre ft./ year
Source: 1 Well
Point of diversion/withdrawal:

SE1/4NW1/4 of Sec. 34, T. 26N., R. 27 E.W.M. Parcel # 37342-0113 No well tag.
Located @ Moody & Ferrall Coordinates: 47 47.879N 117 21.522W

Purpose of use: community domestic supply
Period of use: Continuously
Place of use: Meadow View Addition (Preliminary Plat) located in the SW1/4NW1/4 of Section 34 and area served by Colbert Water District No. 9.
Existing provisions:

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

This water use includes continuous domestic supply within the Colbert Water District No. 9 system which was merged into the Whitworth Water District No. 2 service area on November 8, 1983. The quantities are well within the total authorized 400 acre feet per year, for continuous domestic supply.

Previous changes

SEPA

This application is categorically exempt from the provisions of the State Environmental Policy Act. (SEPA) of 1971, Chapter 43.21C RCW and Chapter 197-11-800 WAC due to the fact the amount of water being withdrawn is less than 2250 gallons per minute. A SEPA check list was submitted in 2005 by Whitworth Water District #2.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was published in the Deer Park Tribune on October 5 & 12, 2011
Protest period ended on November 11, 2011

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

On June 26, 2012 Commissioners Doug Rider and Stan Schultz met with Susan Mc George, the General Manager of the Whitworth Water District #2. and we visited the de-commissioned Meadow View well site. Additional information was found in technical reports, research of department records and conversations with the applicant.

The Colbert Water District No. 9, was merged with the Whitworth Water Dist. #2 on November 8, 1983. Colbert Water District No. 9 transferred its only operational well, Meadowview to Whitworth Water District No. 2.. The Meadow View well continued to run until 1980 but was supplemented by water from the Whitworth system even though the Meadowview well pumped at its maximum capacity between 1980 and 1989 it was constantly plagued by high levels of manganese and iron. In 1992 the Whitworth District's Engineer expressed concern about using water from the Meadowview well indicating it should not be consumed. The well was put in standby mode and all water was supplied from Whitworth wells. The Board further determined the well, due to it's mounting water quality problems it should be abandoned. The well was de-commissioned in July 1993.

The application proposes to change the point of withdrawal to a Whitworth Water District #2 well # 8C located at 15010 N. Columbus Rd. Coordinates [47 47.674N, 117 23.549W] El. 1663ft.

In 2005 Whitworth Water Dist. #2 made application to DOE for a change/transfer of Water Certificate # G3-26227C. Due to a back log DOE did not process this change application and DOE then recommended Whitworth Water District #2 make application to the Spokane County Water Conservancy Board. The application on was transferred and accepted by the SCWCB on August 26, 2011

Proposed project plans and specifications

To serve municipal water from Whitworth, to serve these small districts that have been taken over by Whitworth Water District #2.

Other water rights appurtenant to the property (if applicable)

The Whitworth Water District #2 has several municipal water rights for continuous municipal supply.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. There have been no protests or letters of concern regarding the proposed application for change, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change. The proposed change has already occurred

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. That Water Right held by the Municipal Purveyor are not subject to relinquishment. The Board's tentative determination was based upon the following findings: The current water right under G3-26227C is for community domestic supply. The water under Ground Water Certificate G3-26227C is currently being used under the existing authorized point of withdrawal and is in good standing.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

The Meadowview well was a 8 inch diameter and 343 ft. deep. The static level was 100 ft. below top of well. No pump test info available. This well was de-comissioned in July, 1993.

Whitworth well #8C Tag # AGC037 is a 24 inch diameter and 252 ft. deep. The static water level was 52ft. below top of well. The pump test was ran for 2 hours with a 21 ft. draw down while pumping at 4488 g.p.m.

On August 31, 2012 Commissioner Rider met with John Covert , Ecology hydrologist and Herman Spangle of Ecology to request their assistance in determining if the 2 wells involved with this transfer are in the same body of ground water. This was discussed fully and on September 6, 2012, John Covert, advised the 2 wells are in the same body of ground water.

Other

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Groundwater certificate G3-26227C is currently exercised through 1 existing municipal well operated by the Whitworth Water District No. 2. The existing purpose of G3-26227C is for community domestic supply. Groundwater certificate G3-26227C is valid .

Relinquishment or abandonment concerns

Groundwater Certificate G3-26227C purpose is continuous municipal supply and is not subject to relinquishment.

Hydraulic analysis

On September 6, 2012, John Covert of Ecology provided his analysis of the wells involved in this transfer. Both wells are completed in unconsolidated sediments. Based on the geology of the area and my knowledge of the hydrogeology of the basin, I believe they are completed in the same body of public ground water as the well to which the beneficially used water will be transferred, the Whitworth Water District Well #8C located in NE1/4 SE1/4 of Section 32, T27N, R43 E.W.M.

Consideration of comments and protests

No protests or comments were received.

Impairment

There are no impairment issues with this transfer.

Public Interest

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. This change does not modify quantities approved and allocated on April, 26 of 1979 The Whitworth Water District #2 is a municipal water supplier with the most recently approved water system plan.

DECISION [See WAC 173-153-130(6)(e)]

Ground Water Certificate G3-26227C is valid and approved for the transfer of 250 gpm, 400 acre feet per year to the Whitworth Water District #2 for continuous municipal supply.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

The geographic area served by the City of Deer Park is defined by regulations and management programs administered by other state and local jurisdictions. The place of use defined on this water right shall be that established area.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities

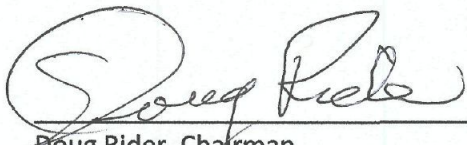
A certificate of water right will not be issued until a final examination is made.

Construction Schedule

Construction has begun and will be completed and in use by January 1, 2015

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Spokane Valley, Washington
This 28th day of January, 2013



Doug Rider, Chairman
Spokane County Water Conservancy Board

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